

REMARKS/ARGUMENTS

Applicants amended claim 4 basically as suggested by the Examiner: "said seam tape" was replaced with --roofing membrane-- and, of course, the term "sheeting" throughout the apparatus claims was changed to --roofing membrane--.

Applicants have further amended claim 1 to indicate that it is a method of applying a seam tape along an edge of a sheet of membrane adapted for use as one of a roofing membrane and a pond liner wherein the seam tape comprises a pressure sensitive adhesive strip covered on a first surface with a release sheet wherein a second surface of the seam tape is pressed against the surface of the membrane and then this is cut to form two sheets.

Claim 4 has been amended to indicate that the apparatus is for applying seam tape along an edge of roofing membrane and the applicator supports a roll of seam tape and the seam tape comprises a pressure sensitive layer having first and second adhesive surfaces and a release sheet covering one of the adhesive surfaces.

New claim 7 was added to indicate that the apparatus has a handle for providing a means to push the apparatus over the roofing membrane.

New claim 8 was added, dependent upon claim 1, indicating that the sheet of membrane is EPDM.

Applicants would request reconsideration of these amended claims.

Claims 1-2 and 4-5 were rejected under 35 U.S.C. § 102(b) in light of the Fries reference.

The Fries references discloses an apparatus to make pressure sensitive adhesive tabs for diapers. It does not disclose applying a seam tape along a sheet of membrane roofing. Applicants have defined "seam tape" to be a pressure sensitive adhesive layer covered with a release sheet. "Seam tape" is a term that is well known to those of ordinary skill in the art. It is a product that is designed to bond together the overlapping seams of roofing material and prevent water from penetrating the seam. It is not the same as simply adhesive tape and should be considered as a limitation in the pending claims, as is the term "roofing membrane" which, of course, is a well know term of art to those skilled in the art in the roofing industry.

The Fries patent does not disclose applying seam tape. It does disclose a release surface which is 98 in FIG. 5. The adhesive is layer 57 on strip 56, shown in FIG. 6. As is shown in FIG. 7, if strip 56 is folded over, the surface 57 would contact structure 32. But, there is no seam tape which has a pressure sensitive layer covered on one surface with a release sheet and the opposite surface attached to the membrane roofing. With respect to claims 4 and 5, the Fries reference again does not disclose supporting a roll of seam tape. And, of course, with respect to new claim 7, it fails to disclose a handle or EPDM as claimed in claim 8.

The Fries reference should not be used as the basis of an obviousness rejection in light of the fact that its purpose is to form tabs for diapers, and is not intended to form a sheet of membrane roofing having a seam tape pre-formed along one edge.

These claims were further rejected under 35 U.S.C. § 102(b) in light of the Gohr reference. The Gohr reference discloses file folders having a reinforced hinge. Again, as with respect to the argument concerning the Fries reference, this does not disclose applying a seam tape as defined by applicants, nor does it disclose applying seam tape to a sheet of membrane roofing or pond liner. Likewise, with respect to claim 4, Gohr does not disclose supporting a roll of seam tape as defined by applicants.

Finally, claims 1 and 4 were rejected under 35 U.S.C. § 102 in light of the Petry reference. The Petry reference discloses a method of making sets of address cards. The Petry reference does not disclose applying a seam tape having a release sheet, nor does it disclose any method of applying a seam tape to membrane roofing, as claimed by applicants. With respect to claim 4 it does not disclose an application that supports a roll of seam tape. And, of course, with respect to claim 7, there is no disclosure of a handle adapted to push the apparatus over the roofing membrane. With respect to claim 8, Petry does not disclose applying the seam tape to EPDM, which is a commonly used material for a membrane roof.

None of the three reference should be used to form an obvious rejection. The subject matters of each of these references are not related to roofing or pond lining. Thus, there would be no suggestion to modify the references to arrive at applicants' invention.

In light of the above, applicants would request reconsideration of the outstanding rejection and allowance of the pending claims.

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Respectfully submitted,

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